

**THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: : **BK. No. 16-11944 ELF**
ESTELLA MACK CHAMBERS :
 Debtor : **Chapter No. 13**
 :
FEDERAL NATIONAL MORTGAGE :
ASSOCIATION :
 Movant :
 v. : **11 U.S.C. §362**
ESTELLA MACK CHAMBERS :
 Respondent :

**AMENDED MOTION FOR RELIEF FROM THE STAY IN ORDER TO PROCEED WITH
LOAN MODIFICATION**

Movant, by its attorneys, Phelan Hallinan Diamond & Jones, LLP, hereby requests a modification of the Automatic Stay and leave to obtain a loan modification on its mortgage on real property owned by Debtor.

1. **WILLIAM C. MILLER, Esquire** was appointed the standing Chapter 13 Trustee.
2. Debtor currently has a mortgage with **FEDERAL NATIONAL MORTGAGE ASSOCIATION**. The property address is 639 MERCHANT STREET, COATESVILLE, PA 19320-0000.
3. Debtor has applied for a loan modification with Movant.
4. The loan modification has been approved contingent upon Bankruptcy Court approval.
5. The terms of the modification are as follows: The new principle balance is \$92,677.75, with an interest rate that starts at 4.0% effective January 1, 2018. Monthly payments of principal and interest will begin in the amount \$308.58. Escrow may be added to this sum. A copy of the loan modification is attached hereto as exhibit "A".

6. Approval and recording (if applicable) of the loan modification shall not constitute a violation of the automatic stay.

7. Movant has cause to have the Automatic Stay modified as to permit Movant to complete the loan modification of the Debtors' mortgage.

8. Movant specifically requests permission from this Honorable Court to communicate with the Debtors and Debtors' counsel to the extent necessary to comply with applicable non-bankruptcy law.

9. Rule 4001 (a)(3) should not be applicable and Movant should be allowed to immediately enforce and implement the Order granting modified Relief from the Automatic Stay for the limited purpose of completing the loan modification of the Debtors' mortgage

WHEREFORE, Movant respectfully requests that this Court enter an Order;

a. modifying the Automatic Stay under Section 362 with respect to **639**

MERCHANT STREET, COATESVILLE, PA 19320-0000 for the limited purpose of completing the loan modification (as more fully set forth in the legal description attached to the Mortgage of record granted against the Premises), as to allow Movant, its successors and assignee's, to proceed with its rights under the terms of said Mortgage for the limited purpose of completing the loan modification of the Debtors' mortgage; and

b. granting Movant permission to communicate with the Debtor and Debtor's counsel to the extent necessary to comply with applicable nonbankruptcy law for the limited purpose of completing the loan modification of the Debtors' mortgage; and

c. holding that Movant should be allowed to immediately enforce and implement the Order granting relief from the automatic for the limited purpose of completing the loan modification of the Debtors' mortgage; and

d. that Rule 4001(a)(3) is not applicable and **FEDERAL NATIONAL MORTGAGE ASSOCIATION** may immediately enforce and implement this Order granting limited Relief from the Automatic Stay.

/s/ Jerome Blank, Esquire
Jerome Blank, Esq., Id. No.49736
Phelan Hallinan Diamond & Jones, LLP
1617 JFK Boulevard, Suite 1400
One Penn Center Plaza
Philadelphia, PA 19103
Phone Number: 215-563-7000 Ext 31625
Fax Number: 215-568-7616
Email: jerome.blank@phelanhallinan.com

January 26, 2018

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: : **BK. No. 16-11944 ELF**
ESTELLA MACK CHAMBERS :
 Debtor : **Chapter No. 13**
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ORDER

AND NOW, upon consideration of the Debtor's Motion to Approve Mortgage Loan Modification ("the Motion") between the Debtor and FEDERAL NATIONAL MORTGAGE ASSOCIATION ("the Lender") (Doc. #), and after notice and hearing, and there being no objection thereto, it is hereby ORDERED and DETERMINED that:

1. The Motion is GRANTED.
2. The Debtor is AUTHORIZED to enter into the loan modification transaction as set forth in the Motion and consummation of the transaction SHALL NOT CONSTITUTE a violation of the automatic stay, 11 U.S.C. §362(a).
3. Insofar as the loan modification provides for reinstatement of the loan account and the elimination of the pre-petition arrears, THE TRUSTEE SHALL MAKE NO FURTHER DISTRIBUTION TO THE LENDER on account of the Lender's claim for pre-petition arrears.
4. In all other respects, the confirmed plan remains IN FULL FORCE AND EFFECT and THE TRUSTEE MAY DISTRIBUTE THE PLAN PAYMENTS ON ACCOUNT OF THE OTHER ALLOWED CLAIMS as provided in the plan.

Date: January 26, 2018

ERIC L. FRANK
CHIEF U.S. BANKRUPTCY JUDGE

WILLIAM C. MILLER, ESQUIRE (TRUSTEE)
P.O. BOX 1229
Philadelphia, PA 19105

RICHARD N. LIPOW, ESQUIRE
LIPOW LAW OFFICE, 629 SWEDESFORD ROAD
MALVERN, PA 19355

ESTELLA MACK CHAMBERS
639 MERCHANT STREET
COATESVILLE, PA 19320

UNITED STATES TRUSTEE
833 CHESTNUT STREET, SUITE 500
PHILADELPHIA, PA 19107

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AMENDED CERTIFICATE OF SERVICE

I hereby certify that service upon all interested parties, indicated below was made by sending true and correct copies of the amended Motion of **FEDERAL NATIONAL MORTGAGE ASSOCIATION** for Relief from the Automatic Stay for Limited Purpose of Completing Loan Modification and Amended Notice of Hearing by first-class mail or by electronic means on January 26, 2018.

WILLIAM C. MILLER, ESQUIRE (TRUSTEE)
P.O. BOX 1229
Philadelphia, PA 19105

ESTELLA MACK CHAMBERS
639 MERCHANT STREET
COATESVILLE, PA 19320

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LIPOW LAW OFFICE, 629 SWEDESFORD ROAD
MALVERN, PA 19355

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PHILADELPHIA, PA 19107

/s/ Jerome Blank, Esquire
Jerome Blank, Esq., Id. No.49736
Phelan Hallinan Diamond & Jones, LLP
1617 JFK Boulevard, Suite 1400
One Penn Center Plaza
Philadelphia, PA 19103
Phone Number: 215-563-7000 Ext 31625
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